



U.S. ARMY CHEMICAL MATERIALS AGENCY

Public Laws Impacting the U.S. Army Chemical Weapons Storage and Demilitarization Program

Congressional oversight guides the execution of the U.S. Chemical Weapons Demilitarization Program. Annual appropriations of funding and specific requirements in the authorization and appropriations laws are the most important ways in which Congress influences the program. This fact sheet summarizes the most important provisions in these laws that guide the mission to safely eliminate all U.S. chemical warfare materiel. To obtain copies of referenced legislation please contact the Chemical Materials Agency Public Affairs Office or your local chemical demilitarization outreach office.

This fact sheet does not address environmental laws that regulate chemical weapons treatment. To learn about these laws please obtain a copy of the fact sheet "Federal Environmental Laws Governing Chemical Agent Storage and Disposal."

Chemical Weapons Demilitarization Program Mission and Organization

Congress directed the Secretary of Defense to destroy the U.S. chemical weapons stockpile in 1985. The Secretary must ensure maximum protection of the environment, the general public, and the workers involved in chemical weapons destruction (Public Law 99-145).

Congress originally designated the Army as the organization responsible for safe storage and destruction of the U.S. chemical stockpile (Public Law 99-145, 1985). The Chemical Materials Agency (CMA) is the Army's management organization for the destruction effort. Congress later directed that destruction operations at the chemical stockpile storage sites in Pueblo, Colo. and Blue Grass, Ky. should be managed by a separate organization, the Assembled

Chemical Weapons Alternatives (ACWA) within the Department of Defense (Public Law 107-248, 2002).

In 1992, Congress directed the Secretary of the Army to plan for destruction of chemical warfare materiel not part of the stockpile. Non-stockpile chemical materiel includes buried chemical weapons, binary chemical weapons, former chemical weapons production facilities, chemical weapons recovered from ranges and miscellaneous chemical warfare materiel (Public Law 102-484, 1992).

When Congress consented to the ratification of the Chemical Weapons Convention in 1997 (Senate Resolution 75, 105th Congress) the U.S. Chemical Weapons Demilitarization Program became subject to the requirements of this treaty. This includes declaration of all chemical warfare materiel (CWM), international inspections of storage and destruction facilities, as well as deadline for destruction of declared CWM. The original deadline was April 29, 2007 but it has since been extended to April 29, 2012.

Reports to Congress

Congress requires the Secretary of Defense to submit an annual report on the status of the chemical demilitarization program. The report includes information about each chemical weapons stockpile site, an accounting of all funds expended by the program and an assessment of the stockpiles' current safety and integrity (Public Law 99-145, 1985, and Public Law 101-510, 1990).

In addition, the Secretary of Defense is required to prepare and submit a comprehensive schedule for the safe destruction of the chemical stockpile on an annual basis until the destruction is completed (Public Law 109-364, 2006).

For more information, contact the CMA Public Affairs Office at (410) 436-3629 (800) 488-0648



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Transportation of Chemical Weapons

Chemical weapons that are part of the chemical stockpile may not be transported across state lines. If a chemical warfare item is discovered that is not part of the stockpile (i.e., non-stockpile materiel), the item may be transported to the nearest chemical stockpile storage facility with the necessary permits for receiving and storing such items (Public Law 103-337, 1994).

No funds may be expended to study the feasibility of removing or transporting the chemical weapons stockpile from any storage site in the continental United States, except for studies needed for environmental analysis under the National Environmental Policy Act (Public Law 102-172, 1991).

Destruction Facilities

Facilities constructed for chemical stockpile destruction generally may not be used for any other purpose (PL 99-145). When no longer needed for chemical disposal, facilities must be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located (PL 99-145, 1985 and PL 106-65, 1999).

The U.S. Army may use chemical stockpile disposal facilities to destroy non-stockpile chemical materiel if the state in which the destruction facility is located issues the appropriate permit(s) for the destruction of such items at that facility.

Alternative Technologies

In 1992, Congress directed the Army study alternatives to the baseline incineration disposal technology and implement an alternative disposal method at low-volume chemical storage sites (Richmond, Ky.; Edgewood, Md.; and Newport, Ind.) if the alternative could meet the stockpile elimination deadline and was significantly safer than and at least as cost-effective as baseline incineration (Public Law 102-484, 1992). The Army established the Alternative Technologies and Approaches Project, which ultimately resulted in the destruction of the bulk chemical agent stockpiles at Aberdeen, Md.

and Newport, Ind. via chemical neutralization.

In 1996, Congress directed the Secretary of Defense to conduct a pilot program to study alternatives to the baseline incineration technology for assembled chemical munitions and required this effort to be managed separately from the Army disposal program. This program is known as Assembled Chemical Weapons Alternatives (ACWA). All ACWA technologies must meet applicable federal and state environmental and safety requirements and the ACWA Program Manager must submit an annual report to Congress (Public Law 104-208, 1996).

In 1999, Congress ordered that the chemical destruction facility at Richmond, Ky., could not be constructed until after the ACWA Program had demonstrated six alternatives to baseline incineration for the destruction of chemical weapons (Public Law 106-52, 1999).

In 2000, Congress ordered the Department of Defense to consider only incineration and those technologies demonstrated before May 1, 2000 for destruction of chemical weapons at Pueblo Chemical Depot (Public Law 106-398, 2000). In accordance with Congressional direction, ACWA is responsible for managing the chemical stockpile destruction efforts at the Kentucky and Colorado site (PL 107-248). Both of the planned destruction facilities will use alternative technologies.

Emergency Preparedness

To help address the requirement to ensure maximum protection of the environment, the general public, and the workers during chemical stockpile disposal operations, Congress in 1990 authorized the Secretary of Defense to make grants to state and local governments to assist emergency preparedness efforts (Public Law 101-510, 1990).

The Federal Emergency Management Agency, in coordination with the Army, helps state and local governments develop their individual response systems to deal with chemical stockpile emergency situations (Public Law 105-261, 1998).

The Army may provide financial assistance to state and local chemical stockpile emergency preparedness

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programs until 180 days after the completion of stockpile disposal at a site or the completion of all grants and cooperative agreements between the Federal Emergency Management Agency and the state and local governments responsible for that site, whichever occurs first (Public Law 110-181, 2008).

Public Participation

Congress directed the establishment of Citizen's Advisory Commissions specifically for low-volume chemical stockpile storage sites (Richmond, Ky.; Edgewood, Md.; and Newport, Ind.) and for all other sites upon request from the governor of the state in which the site is located. Commissions have 9 members, including seven governor-appointed citizens who live in areas affected by destruction operations and two state government representatives with direct responsibilities related to the chemical demilitarization program (Public Law 102-484,

1992). An Army representative attends each Commission meeting (Public Law 102-484, 1992). The Citizens' Advisory Commissions must meet at least twice a year (Public Law 103-484, 1992). Commissions will be terminated upon completion of closure of the chemical destruction facility at their respective storage site or upon request of the Governor of the commission's state, whichever occurs first (Public Law 110-181, 2008).

Conclusion

Congressional oversight continues to guide the execution of the chemical demilitarization program. CMA and ACWA are working with Congress to carry out the destruction effort in an effective and safe manner.

This fact sheet will be updated periodically as legislative requirements change.